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STATE CHILD PROTECTION SOCIETY

# Operational Guideline for Juvenile Justice Fund

Under Section 105 of the Juvenile Justice (Care and Protection  
of Children) Act, 2015 and Rule 83 of the Bihar Juvenile  
Justice (Care and Protection of Children) Rules, 2017

Juvenile Justice Fund is a statutory fund created by the State Government under the mandate of Juvenile Justice Act, 2015 and the Bihar Juvenile Justice Rules, 2017. The guideline outlines the norms and processes for the receipt of donations under the Fund, mechanism for approval and release of grant and rules for utilization of grant released under the fund.

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## Operational Guideline for Juvenile Justice Fund

- 1. Introduction:** The role of community and larger civil society in securing rights of children and strengthening the protective net has always been recognised by the State (Article 1 of the UNCRC). That the community has the resources and resilience to protect its children is further accorded due recognition as one of the sixteen principles guiding the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015, is reflected in the following words:

"Principle of Positive Measures- All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act"

Thus, though the State and its agencies are mandated under the law to provide resources and funds for protection of children from violence, exploitation, abuse and neglect and to prevent them from situations of vulnerability, there is also a need to channelize and mainstream the philanthropic activities and contributions made by individuals or groups towards programmes that result into optimum achievements in alignment with the stated goals and principles of child protection and safety fulfilling the needs of children. The Juvenile Justice (Care and Protection of Children) Act, 2015, therefore, intends to set up a fund 'for the welfare and rehabilitation of the children dealt with under the Act' (Section 105). The need for creating a fund was further reinforced under the Central Model Juvenile Justice (Care and Protection of Children) Rules, 2016 and also under the Bihar Juvenile Justice (Care and Protection of Children) Rules, 2017 (Rule 83). However, even before the Juvenile Justice Act, 2015 came in force, the State Government had already set up a Juvenile Justice Fund drawing its mandate from the now repealed Juvenile Justice (Care and Protection of Children) Act, 2000 (amended in 2006) (Sec. 61) and Bihar Juvenile Justice (Care and Protection of Children) Rules, 2012 (Rule 102) notified under the Act. At present, the State Child Protection Society of the Social Welfare Department, Government of Bihar is operating the Juvenile Justice Fund and a Current Account has been opened in the name of बिहार किशोर न्याय निधि (Bihar Kishore Nyay Nidhi). Below is the guideline for operating the account of Juvenile Justice Fund and utilisation of funds received under it.

### 2. Objectives of the Juvenile Justice Fund

- 2.1** To provide funds for the implementation of programmes for the welfare and rehabilitation of children in need of care and protection and children in conflict with law as defined under the Juvenile Justice (Care and Protection of Children) Act, 2015.

2.2 To cover expenses which are otherwise not covered under the programmes and schemes being implemented by the State Government in the area of juvenile justice or where budgets are available but is inadequate to maintain the prescribed standard of quality of care and services.

**3. Scope and Administration of the Guideline**

3.1 This Guideline shall govern the administration of the receipt and utilisation of funds from the Juvenile Justice Fund.

3.2 The State Child Protection Society shall make it available to the audit or inspecting agencies and also present a bi-annual report on the utilization of funds to the Governing Body of the Society.

3.3 Amendments, if any, to the Guideline shall be made by the Governing Body of the State Child Protection Society only.

**4. Receipt of donations or contributions under the Juvenile Justice Fund**

4.1 Any individual or a group or an organisation which may include a trust, NGO or a corporate company may voluntarily contribute to the Juvenile Justice Fund by way of donations or subscriptions.

4.2 Interest earned on deposits shall be treated as income and will add to the total balance.

4.3 Proceeds of sale or other disposal of the property of the State Child Protection Society by way of auction or any other process shall be deposited in the Juvenile Justice Fund.

4.4 All donations or subscriptions shall be made through cheque or electronic transfer in the name of the बिहार किशोर न्याय निधि (Bihar Kishore Nyay Nidhi) in the following account-

- Name of the Account- बिहार किशोर न्याय निधि/Bihar Kishore Nyay Nidhi
- Account Number- 33760781006
- Name of the Bank- State Bank of India
- Branch- Sachivalaya

4.5 The donor shall be issued, on demand, a certificate for tax exemption under the Income Tax Act or any other law, for the time being, in force.

**5. Purpose for which the funds shall be utilised**

As per Rule 83 of the Bihar Juvenile Justice (Care and Protection of Children) Rules, 2017, the funds shall be utilised for the following purposes, namely:-

- (i) establishment and administration of Child Care Institutions;
- (ii) supporting innovative programmes for the welfare of the children in the Child Care Institutions;
- (iii) strengthening of legal assistance and support;
- (iv) providing entrepreneurial support, skill development training or vocational training;
- (v) providing lump-sum subsistence support to children leaving Child Care Institution on attaining the age of eighteen years;
- (vi) providing after care facilities and entrepreneurship fund for providing capital and infrastructure to persons who have crossed the age of eighteen within institutionalized care, for starting up small businesses to support reintegration into mainstream life;
- (vii) providing support for foster care, sponsorship and after care;
- (viii) rehabilitation of children in special circumstances including children released from militant groups and adult groups;
- (ix) meeting the expenses of travel for hearing/inquiry being held by a statutory body and restoration of children, including the expenses of the escorts including police;
- (x) creating child friendly police stations, Boards, courts and Committees;
- (xi) capacity building for parents and caregivers to understand needs of children;
- (xii) awareness generation programmes on child rights and offences against children;
- (xiii) creating community-based child protection programmes to identify and report offences against children;
- (xiv) providing specialised professional services, counsellors, translators, interpreters, special educators, social workers, mental health workers, vocational trainers etc. for the children covered under the Juvenile Justice Act;
- (xv) providing recreational facilities and extra-curricular activities for the children covered under the Juvenile Justice Act including those in Child Care Institutions;
- (xvi) palliative care for cancer affected children and stay facilities for their parents;
- (xvii) critical or life-saving medical treatment;
- (xviii) any other programme or activity to support the holistic growth, development and well-being of a child covered under the Act and the rules or such programmes which

are considered appropriate by the State Government to serve the best interests of children.

**6. Process of release of grant under the Juvenile Justice Fund**

6.1 The District Child Protection Unit or an NGO which is running a child care institution or running a programme for children in need of care and protection or children in conflict with law, whether or not funded by the State Government under any scheme or programme, may make a request to the State Child Protection Society for grant support under the Juvenile Justice Fund with a detailed proposal of activities and along with estimated expenditures. Similarly, the Society may also present proposal for grant support under the Juvenile Justice Fund.

6.2 All such proposals received at the State Child Protection Society shall be considered by the Juvenile Justice Fund Approval Committee (JJFAC), to be constituted in a manner given below, for taking a decision on approval and release of grant under the Juvenile Justice Fund.

6.3 The Juvenile Justice Fund Approval Committee (JJFAC) shall be constituted at State level in the following manner for considering the proposals and for the purpose of approving the grant request-

- (i) Principal Secretary/Secretary, Social Welfare Department, Government of Bihar-cum-Chairperson, State Child Protection Society- Chairperson
- (ii) Director, Social Welfare-cum-Vice Chairperson- State Child Protection Society- Member
- (iii) Internal Financial Advisor of the Social Welfare Department, Government of Bihar- Member
- (iv) Programme Manager (Child Protection), State Child Protection Society
- (v) Member of the civil society organization (from the Governing Body of the Society)

6.4 The Committee will consider the proposal as soon as possible but not later than three months from the receipt of such proposal, and, if found appropriate, shall approve the proposal fully or partially. If needed, the Committee may also suggest modifications in the proposal before the grant is formally approved.

6.5 If a proposal is rejected by the Committee, the reason for doing so shall be recorded in writing.

6.6 After approval of the proposal, the grant shall be released to the agency by cheque or electronic transfer directly to the bank account of the agency.

6.7 In a case where a proposal is submitted by the State Child Protection Society, the JJFAC shall conduct its meeting without the Programme Manager (Child Protection) of the Society.

6.8 All withdrawals shall be made by cheques or requisitions, as the case may be, signed by the Secretary-cum-Treasurer in case of amounts not exceeding rupees ten thousand and signed duly by the Secretary-cum Treasurer and Programme Manager (Child Protection) of the Society who is vested with the execution of the Juvenile Justice Fund.

**7. Utilisation of grant released under the Fund:** The expenditure or utilization of grants under the Juvenile Justice Fund shall be guided by the provisions of Bihar Financial Rules 2005 (amended from time to time) and the canons of Financial Propriety. Therefore,

7.1 The recipient agency and its nodal authority is expected to exercise the same vigilance in respect of expenditure incurred from public money as a person of ordinary prudence would exercise in respect of expenditure of his own money.

7.2 The expenditure should be reasonable.

7.3 No authority should exercise its powers of sanctioning expenditure to pass an order which will be directly or indirectly to its own advantage.

7.4 The grant shall be utilized solely for the purpose for which it has been approved. There shall be no deviation of the grant to any other activity which was not a part of the proposal and had not been approved by the JJFAC.

7.5 Grant shall be utilised within the period it was released for.

7.6 Norms regarding utilization of grant shall be governed in accordance with the related provisions of Bihar Financial Rules 2005 (amended from time to time).

7.7 The recipient agency of the grant shall submit a Utilisation Certificate along with the Statement of Expenditure to the State Child Protection Society, a report of which shall be presented to the JJFAC and the Executive Committee of the Society in its subsequent meeting.

7.8 The recipient agency shall retain all vouchers, bills and supporting documents with itself for any inspection or audit.

#### **8. Audit of the Fund**

8.1 All incomes and expenditure of the Fund and shall be audited on an annual basis by a Chartered Accountant firm selected by the State Child Protection Society.

8.2 The audit report shall be submitted to the Executive Committee and the Governing Body of the State Child Protection Society.